

HOUSE COMMITTEE ON INTERNATIONAL RELATIONS
SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS,
AND INTERNATIONAL OPERATIONS

November 14, 2006

10:00 A.M.

Testimony of Dana D. Andrews, Licensing Administrator, Colorado Department of Human Services, Division of Child Care, regarding Colorado's role as an Accrediting Entity for implementation of the Hague Adoption Convention on the Protection of Children

Distinguished members of the Committee:

I appreciate the opportunity to speak before you and discuss Colorado's role as an Accrediting Entity regarding the implementation of the Hague Adoption Convention on the Protection of Children. Colorado is honored to testify before this Committee.

First, I would like to thank the staff of the Department of State that have worked closely with the Colorado Department of Human Services, Division of Child Care (CDHS/DCC), over the last several years. Staff of the Department of State were very helpful and informative as we moved through the process of becoming an Accrediting Entity. CDHS/DCC would not have been able to complete the process of becoming an Accrediting entity without the expertise offered by the various staff.

CDHS/DCC began the process of becoming an Accrediting Entity by responding to a Request for Statement of Interest released by the Department of State in the fall of 2003. CDHS/DCC submitted the Statement of Interest with the support of the Executive Director of the Colorado Department of Human Services, Marva Livingston Hammons. Following the submission of the Statement of Interest, staff of the Division of Child Care and Office of Children, Youth and Family Services met with attorneys from the Department of State to answer questions and provide additional information. It was necessary for CDHS/DCC to change state statute to create the authority to become an Accrediting Entity. During the legislative session of 2005, the Department sponsored legislation to give the Department of Human Services the authority to become an Accrediting Entity and charge a fee for the accreditation process. The legislation also changed the hearing process to allow providers to go directly to United States District Court when an adverse action occurs, rather than having to go through the Administrative Hearing Process first. CDHS/DCC was formally notified on June 29, 2006, that it had become the first-ever designated Accrediting Entity for intercountry adoption under the Intercountry Adoption Act of 2000 (IAA).

CDHS/DCC believed that it was qualified to become an Accrediting Entity based on its long history of licensing child care facilities and child placement agencies. CDHS/DCC has licensed adoption agencies since the early 1960's. In order to become licensed for domestic or intercountry adoption an agency is required to meet 100% of the licensing regulations. CDHS/DCC has rigorous licensing regulations, some of which surpass the implementing regulations for the Hague Convention. The licensing regulations of CDHS/DCC currently require that an agency that contracts with an adoptive applicant to accept children born outside the United States, and lacking United States citizenship, must have direct knowledge of and be able to comply with all applicable adoption rules, laws and procedures of the child's country of origin. CDHS/DCC has experienced licensing staff to monitor all adoption agencies in the state. The licensing staff are responsible for original licensing of agencies, periodic supervisory visits, and investigation of complaints. Staff are trained in the procedures to take adverse action against the licensing of an adoption agency. An agency license may be revoked, denied, suspended or changed to probationary based upon grounds listed in statute. A formal administrative law process is used to take action against a license.

When licensing an adoption agency, licensing staff are required to review written policies of the agency, complete a site visit to the agency, review case files and write a detailed report of the findings. If an agency is out of compliance with licensing regulations, it has a set period of time to come into compliance with the regulations. Consistent violation of regulations is grounds for the revocation of an adoption agency license. Willful and deliberate violation of regulations is grounds for the summary suspension of the adoption agency license and the immediate closure of the agency. In the last three years CDHS/DCC has taken action to summarily suspend the licenses of at least two agencies that did not have qualified staff or had staff with fraudulent credentials.

CDHS/DCC currently licenses 25 agencies to perform intercountry adoptions. We anticipate that 10 – 12 of these agencies will apply to be accredited through CDHS/DCC as accredited agencies or approved persons. Two of the adoption service providers that CDHS/DCC anticipates will apply for accreditation have offices both in Colorado and in other states. However, most of the adoption services providers that CDHS/DCC will accredit or approve have only one office which is located in Colorado.

CDHS/DCC takes very seriously its responsibility of accrediting agencies or approving persons to comply with all applicable adoption rules, laws and procedures of the child's country of origin. The home study/family assessment that is submitted to the foreign country must be a reasonable, true and responsible assessment in regards to the requirements of the foreign country. When reviewing home studies/family assessments, licensing staff will ensure that pertinent information obtained through the assessment is included in the home study/family assessment that is sent to the foreign country. Deliberately

withholding information from a foreign country would be a violation of the licensing regulations of CDHS/DCC as well as a violation of accreditation standards. CDHS/DCC will take adverse action against accredited agencies and approved persons who fail to substantially comply with the home study/family assessment standards.

Following its notification of selection as an Accrediting Entity, CDHS/DCC began to work with staff from the Department of State and the Council on Accreditation (COA) to develop a substantial compliance system. Considerable work was put into this to make sure that the substantial compliance system was rigorous and met the intent of the IAA as well as was fair to accredited agencies and approved persons.

CDHS/DCC worked with the Department of State to get its fees and application approved. The fee schedule was first required to be promulgated by the Colorado Board of Human Services. The proposed fees were brought before the Board two consecutive months and passed for emergency implementation. The fees were then submitted to the Department of State for approval. Once the fees and application were approved by the Department of State they were mailed out to all adoption agencies in Colorado, licensed for intercountry adoptions. The applications were mailed to the agencies on October 6, 2006, once the Transitional Application Deadline (TAD) had been determined. As of the date of this hearing, CDHS/DCC has received six applications from adoption service providers.

CDHS/DCC has committed to the Department of State that it will provide training to all interested adoption service providers to assist them with completing the accreditation process. In order to facilitate this, CDHS/DCC has held one training session prior to the TAD and will hold two more training sessions prior to the end of the calendar year. The agenda for the training sessions will gradually progress as the applicants move through the application process to full or temporary accreditation. During the first training session, CDHS/DCC required that agencies complete a survey of the agencies preparedness for becoming accredited. Several of the agencies that attended were somewhat prepared for becoming accredited; other agencies are just beginning the process to become prepared for accreditation. Most agencies indicated that they have a lot of training needs. The second training session that will occur this calendar year will focus on the evidence that must be submitted prior to the site visit. The third training session will focus on preparing the agency for the site visit. Additional training will be developed by CDHS/DCC when necessary and requested by agencies in Colorado.

CDHS/DCC has two staff dedicated to the accreditation process. The staff will be responsible for reviewing the evidence prior to a site visit, completing the site visit, writing up a detailed report of noncompliance, following through with a plan of correction, and ultimately approving or denying the request for accreditation or

approval. CDHS/DCC anticipates that required evidence will be submitted by adoption service providers that have applied for accreditation or approval early in 2007. As we want the adoption service providers to be successful, CDHS/DCC will work closely with the providers to understand the evidence required and to have adequate time to compile the information and submit it to CDHS/DCC. CDHS/DCC will begin the site visits in the spring of 2007. The actual timeframe to begin the visits will depend on the preparedness of the adoption service providers and the review of the evidence. Adoption service providers will be given adequate time and training to prepare for the site visit. The actual accreditation of the agencies or approval of persons will occur following the determination of the Unified Notification Date (UND). Again the actual timeframe for the accreditation will depend on the information that is obtained during the site visit, and the accredited agencies and approved persons ability to correct and provide additional information. Although CDHS/DCC will have a limited number of agencies to accredit, we will give the agencies as much time as necessary to prepare for the site visit and to make any corrections necessary. CDHS/DCC is committed to a detailed and thorough process of preparing agencies and approved persons and working with them to become fully or temporarily accredited.

I would like to thank the Committee again for the opportunity to testify before the Committee. CDHS/DCC is very excited to be chosen as an Accrediting Entity. We look forward to working with staff of the Department of State as we move forward to full implementation of the Hague Adoption Convention on the Protection of Children.